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OFFICE OF PETITIONS

In re Application of
Harold L. Peterson et al.
Application No. 09/423,025
Filed: October 28, 1999
Attorney Docket No.: M5386-02

ON PETITION

This is a decision on the letter filed November 14, 2006 which is treated as a renewed petition under 37 CFR 1.137(b)¹, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed December 17, 2001. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested prior to the expiration of the application, this application became abandoned March 19, 2002. Accordingly, the Notice of Abandonment was mailed July 16, 2002. A petition filed February 6, 2006 was dismissed in a decision mailed September 15, 2006 because the required response was not filed with the petition.

Comes now petitioner with the response to the December 17, 2001 non-Final Office Action.

This matter is being referred to Technology Center 3621 for appropriate action on the response filed November 14, 2006.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.